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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00279-JAD-PAL

8 Plaintiff,

9 v.

**ORDER**

10 JOSHUA SADAT WASHINGTON,

(Mot. Trial Subpoena– ECF No. 209)

11 Defendant.

12 Before the court is an Emergency Motion Requesting Subpoena for Raphael Bonnelly for  
13 Trial (ECF No. 209), which was filed pursuant to Rule 17(b) of the Federal Rules of Criminal  
14 Procedure on March 5, 2018. This motion is referred to the undersigned pursuant to 28 U.S.C.  
15 § 636(b)(1)(A) and LR IB 1-7(g) of the Local Rules of Practice.

16 Mr. Washington's trial began February 27, 2018. *See* Order Regarding Trial (ECF  
17 No. 173); Mins. of Proceedings (ECF Nos. 182, 190, 200, 203). Jury instructions are being settled  
18 today, March 5, 2018, outside the presence of the jury. Mins. of Proceedings (ECF No. 206).

19 Washington's current motion asserts that Bonnelly's testimony is crucial to prepare his  
20 defense because his testimony was drastically different than Paul Davis and will show  
21 inconsistencies in the government's testimony. He has not met his burden under Rule 17 for  
22 issuance of a subpoena. First, the request is untimely. Washington's case in chief is set to begin  
23 tomorrow, March 6, 2018. Washington has known about Mr. Bonnelly from discovery provided to  
24 him for many months. Second, the motion does not provide an address for the U.S. Marshal to  
25 personally serve a subpoena on Mr. Bonnelly. Washington previously applied for trial subpoenas  
26 for 27 different witnesses to appear at trial, one of whom was Mr. Bonnelly. *See* Mot. (ECF No.  
27 175). In a written Order (ECF No. 176) filed February 13, 2018, the court explained what showing  
28 Washington was required to make before the court would compel a witness to appear for trial, and


1 informed Washington that if he chose to renew his request for subpoenas he must provide an  
2 address at which the witness(es) could be served.

3 Lastly, it is unclear whether Mr. Washington submitted this subpoena request himself or  
4 whether it was filed by, Kara Washington, a person who has described herself as his wife in prior  
5 letters she filed with the court in this case. The handwriting on the document appears to match the  
6 hand-writing on her previous filings. *Compare* Mot. (ECF No. 209) with Dec. 12, 2017 Letter to  
7 Chief Judge Navarro (ECF No. 115); Nov. 21, 2017 Letter to Judge Dorsey (ECF No. 109). In  
8 addition, the signature on the motion does not match Mr. Washington's prior motions and filings.

9 For the reasons explained,

10 **IT IS ORDERED:** Defendant Joshua Sadat Washington's Motion Requesting Subpoena  
11 for Raphael Bonnelly for Trial (ECF No. 209) is **DENIED**.

12 Dated this 5th day of March, 2018.

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15 PEGGY A. LEEN  
16 UNITED STATES MAGISTRATE JUDGE  
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